

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC**

In the Matter of:

Request for Review and Waiver)	
of the Decision of the)	
Universal Service Administrator by)	
)	
Richland County School District 1)	CC Docket No: 02-6
BEN Number: 127145)	
)	
Schools and Libraries Universal Service)	
Support Mechanism)	
)	
Wireline Competition Bureau)	

REQUEST FOR REVIEW AND WAIVER

INTRODUCTION

Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (USAC) may seek review from the Commission.¹ Richland County School District 1 (Richland) hereby appeals the current action taken by USAC in the following case.

BACKGROUND

On February 15, 2006, Richland filed three funding requests for Basic Maintenance of Internal Connections. All three funding requests referenced a Form 470 filed by South Carolina Division of the Chief Information Officer in Columbia, South Carolina (South Carolina CIO). The state consortium intended for the Form 470 to cover Internal Connections and Basic Maintenance of Internal Connections. The consortia posted the Form 470 information on their website and informed their members the Form 470 could be referenced for both Internal Connections and Basic Maintenance. The tainted Form

¹ 47 C.F.R. § 54.719(c).

470 was used by multiple schools to apply for Basic Maintenance requests. On November 14, 2006, the SLD denied three funding requests filed by Richland for Basic Maintenance because, "The 470 cited did not include service of this type; therefore it does not meet the 28 day competitive bidding requirement."

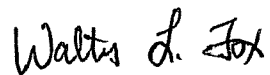
DISCUSSION

Richland respectfully requests the Commission to waive the requirement that Basic Maintenance for Internal Connections must be marked on the referenced Form 470. The District did not prepare this Form 470 and intended no fraud, waste or abuse on the program by referencing the Form 470. Richland is appealing the decision in accordance with directions received from South Carolina CIO. Attached as Exhibit A is the e-mail message from South Carolina CIO regarding the above referenced Form 470. South Carolina CIO currently has an appeal pending regarding the description of services selected on their Form 470 # 177880000544848.

SUMMARY

Richland respectfully requests the FCC to waive the required Description of Services in the above matter and remand the case back to USAC to fund the FRNs at issue.

Sincerely Submitted,



Walter L. "Luke" Fox
Executive Director, Information Technology
Richland County School District 1
1616 Richland Street
Columbia, SC 29201

"Exhibit A"

From: k12list-bounces@lists.cio.sc.gov [mailto:k12list-bounces@lists.cio.sc.gov] **On Behalf Of** Wilkie, Sandra
Sent: Thursday, December 14, 2006 1:59 PM
To: k12list@lists.cio.sc.gov
Subject: [K12list] Basic Maintenance Denials for 2006-07

Shown below is information prepared by Walt Taylor for those who were denied funding for Basic Maintenance. If you were denied, please file a Request for Waiver to the FCC rather than an appeal using Walt's statement shown below.

We are in the process of resolving this issue for 2007-08 by posting a new Form 470 (# now posted on the CIO website) and RFP for Basic Maintenance.
If you have any additional questions, please let me know.

Thanks,

Sandra G. Wilkie

Program Manager/State E-Rate Coordinator

State Budget & Control Board - Div of CIO

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Unfortunately, we have learned that several schools have been denied basic maintenance service for funding year 2006 when using 470# 177880000544848. CIO filed this 470 seeking to establish a State Master Contract and selected as the category of service "Internal Connections" since it basically is for network products. However included in this RFP and contract was basic maintenance services. The E-rate coordination group, namely, Walt, overlooked this and neglected to select the "Basic Maintenance" category. This is the reason for your denials. We made an effort to correct this for the entire state under the Bishop Perry Decision (FCC Order 06-04, 5/22/06). We have learned that this is not correctable under those orders. We have appealed to the SLD which is still pending.

In this situation we can only advise you to submit a Request for Waiver to the FCC in accordance with the procedures on the SLD Website and use the above explanation. Each applicant denied will be required to file since the CIO does not purchase off the contract for E-rate purposes.

Please remember: Only the FCC can grant a waiver. Do not appeal to the SLD. As Sandra has advised via the listserv, we have filed another 470 for funding year 2007.

Walter A. Taylor

E-rate Coordination

Information Technology Manager I

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